

SECOND REGULAR SESSION

HOUSE BILL NO. 1689

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

5626L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 568.060, RSMo, and to enact in lieu thereof one new section relating to the crime of abuse of a child, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 568.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.060, to read as follows:

568.060. 1. A person commits the crime of abuse of a child if such person:

(1) Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old; or

(2) **Knowingly inflicts physical injury to a child less than seventeen years of age which results in subdural hematomas and retinal hemorrhages, commonly known as Shaken Baby Syndrome, which is caused by the shaking, jerking, pushing, pulling, slamming, or kicking of the child; or**

(3) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

2. As used in this section "prohibited sexual act" means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3. Abuse of a child is a class C felony, unless:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (1) In the course thereof the person inflicts serious emotional injury on the child, or the
19 offense is committed as part of a ritual or ceremony in which case the crime is a class B felony;
20 or

21 (2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the
22 provisions of this section, in which case the crime is a class A felony.

23 4. As used in this section, the word "fetishism" means a condition in which erotic
24 feelings are excited by an object or body part whose presence is psychologically necessary for
25 sexual stimulation or gratification.

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